

REMARKS

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended in the recent in-person interview held with Applicant's representative. The amendments and discussion presented herein are consistent with the discussions during the interview, and in which it was determined the claims appeared to overcome the rejections of record. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed March 21, 2007, considered and rejected claims 1-39. Claims 1-3, 7, 10, 11, 14-21 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Abecassis* (U.S. Patent No. 5,953,485). Claims 4-6, 8, 9, 12, 13, 22, 23, and 25-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Abecassis* in view of one or more of *Perlman* (U.S. Patent No. 5,896,444), *Tetsumura* (U.S. Patent No. 5,793,409), *O'Callaghan* (U.S. Patent No. 5,594,492), *Jennings* (U.S. Publ. No. 2004/0025186), *Yen* (U.S. Patent No. 6,668,278), *Block* (U.S. Patent No. 6,675,384), and/or *August* (U.S. Patent No. 5,671,267).¹ Claim 37 was also rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter, and has been amended to render the rejection moot.

By this paper, claims 1, 2, 11, 12, 15, 16, 19, 20, 25, 28, 37 and 38 have been amended, claims 10, 13, 14, 31, 36 and 39 cancelled, and no claims added.² Accordingly, following this paper, claims 1-9, 11, 12, 15-30, 32-35, 37 and 38 are pending, of which claims 1, 25 and 37 are the only independent claims at issue.

As discussed during the interview, Applicant's claims generally relate to a media system in which media content is received and automatically paused in response to one or more events. For example, as recited in claim 1, as media content is obtained from a content source and displayed by the output device, a first event is detected that may be a telephone related event, receipt of an email, or a detection that a viewer has left a viewing area. The first event is determined to indicate that the output of the media is to be paused and in response to such event, display of the media content is

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments can be found throughout Applicant's original application, including at least the disclosure in paragraphs 6, 8, 27 and 34 of the originally filed application, and in the original claims and figures.

automatically paused while the content source continues to receive media content from the content source.³

As discussed during the interview, while *Abecassis* generally relates to a media system, it fails to disclose or suggest all of the limitations of the pending claims. For example, *Abecassis*, whether alone or in combination with the other cited references, fails to disclose or suggest that when an automatic pause operation is initiated, the connection to the content provider is maintained such that the computing system continues to receive the media content, as recited in combination with the other claim elements.

Specifically, *Abecassis* discloses a content-on-demand system which may integrate video and communications services. (Col. 51, ll. 30-39). The integrated system includes a retrieving means for retrieving video from a video provider and, among other things, a pausing means for automatically pausing the retrieval of the video. (Col. 51, ll. 40-50). For instance, the integrated system may be connected to a video server and to a telephone or other communication line. (Col. 52, ll. 24-27). When a call is received, information about the call may be sent to the display with the video, so that the user can identify from whom the call is being sent. (Col. 52, ll. 27-32). If the viewer accepts the call, the transmission of the video is paused. In particular, the *Abecassis* system transmits a pause command to the video server causing the video server to hold further transmission of the video. (Col. 52, ll. 32-35, 49-53). If the telephone call is not accepted by the user, then the display is not paused. (Col. 52, ll. 41-48).

Accordingly, *Abecassis* discloses that when an incoming call is accepted by the user, transmission of the video is paused, whereas if the incoming call is not accepted, no pause of the display occurs. As discussed in the interview, such teachings are directly contrary to pending claims in which when a pause command is initiated, reception of the media content continues.

Further, such teachings are also contrary to at least the invention recited in claim 2, in which the first event causing automatic pausing of the display is the ringing of a telephone line. Indeed, *Abecassis* expressly discloses that display of video content is paused only when a call is accepted and that unless the call is actually accepted, the display is not paused.

Applicant further notes that the additional references similarly fail to disclose or suggest the elements absent from the *Abecassis* reference. For example, *Perlman* also expressly discloses that

³ Claims 25 and 37 generally correspond to the method of claim 1, and are distinguishable from the art of record for the same reasons presented with respect to claim 1. In particular, claim 25 recites a method similar to the method of claim 1, in which priority values are also assigned and rules used to determine that media content should be paused. Claim 37 recites a computer program product including instructions for implementing the method of claim 1.

when media is interrupted, the client device is disconnected from a modem pool connecting the client to the content source, such that it cannot continue to receive the content from the content source. (Col. 6, ll. 29-55). Further, *Yen* relates generally to receiving information from multiple information sources, and setting preferences for alerts that may appear while the user monitors different types of media, but fails to disclose that the interrupted media is paused, or that during a pause information continues to be received by the client device, as claimed in combination with the other elements. (Col. 12, ll. 7-37).

In view of the foregoing and the other discussions during the interview, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 18th day of May, 2007.

Respectfully submitted,



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